

L A W S

OF THE

Commonwealth of Massachusetts

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE FOURTH OF JANU-
ARY, AND ENDED ON THURSDAY, THE TWENTIETH OF APRIL, ONE
THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.

Published agreeably to a Resolve of the sixteenth January, 1812.



Boston:

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

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1837.

EXHIBIT 9 (McLean)

CHAP. CCXL.

An Act concerning the Militia.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Every able bodied white male citizen resident within this Commonwealth, who is, or shall be, of the age of eighteen, and under the age of forty-five years, excepting idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia, and be included in the military returns: *provided*, that nothing herein contained shall be so construed as to render any of the exempts mentioned in the first, second and third sections of the twelfth chapter of the Revised Statutes, liable to do military duty otherwise than is therein provided.

All persons between 18 and 45 to be enrolled, except, &c.

SEC. 2. Division inspectors and division quartermasters shall hereafter be appointed by the respective major generals, and approved by the commander in chief.

Division inspectors and quartermasters, how appointed.

SEC. 3. The commissions of all staff officers, appointed by any commanding officer, shall expire after the commanding officer shall be discharged or vacate his commission, as soon as his successor is commissioned.

Staff commissions; when they expire.

SEC. 4. The adjutant general shall annually in the month of February, lay before the governor and council, for adjustment, an account of all expenditures of money made by him, as adjutant general

Acting quartermaster general's expenditures; how examined and settled.

and acting quartermaster general, with vouchers to support the same; and such accounts shall be settled by the governor and council.

Military returns,
how made.

SEC. 5. The military returns shall continue to be made, as provided in the thirty-first and thirty-second sections of the twelfth chapter of the Revised Statutes, excepting, that every commanding officer of a brigade shall make and transmit returns of the state of his brigade, to the commanding officer of the division to which he belongs, in the month of July annually; and every commanding officer of such division shall make and transmit returns of the state of his division, to the adjutant general in the month of August annually. And the penalty for neglecting to make the returns as provided for in the thirty-first and thirty-second sections of the twelfth chapter of the Revised Statutes, and in this section, shall be as follows:—

Penalty of com-
manders of com-
panies.

Every captain or commanding officer of a company, who shall neglect to make returns, for each instance of such neglect, ten dollars.

—of command-
ers of regiments
and battalions.

Every commanding officer of a regiment or separate battalion, who shall neglect to make returns, for each instance of such neglect, twenty five dollars.

—of command-
ers of brigades.

Every commanding officer of a brigade, who shall neglect to make returns, for each instance of such neglect, fifty dollars.

—of command-
ers of divisions.

Every commanding officer of a division, who shall neglect to make returns, for each instance of such neglect, seventy-five dollars.

—of brigade ma-
jors.

Every brigade major and inspector who shall neglect to make returns, for each instance of such neglect, fifty dollars.

Fines and forfeit-
ures; how prose-
cuted for, and
how disposed of.

The above fines and forfeitures to be prosecuted for by the officer to whom the respective returns

MILITIA.

April 20, 1887.

276

should be made, in any court of competent jurisdiction, and paid into the treasury of the Commonwealth.

SEC. 6. So much of the one hundred and fourteenth section of the twelfth chapter of the Revised Statutes as requires clerks of companies to make annual returns to the brigade majors, and the brigade majors to the commander in chief; and so much of the fifty-eighth section of the twelfth chapter of the Revised Statutes as requires a majority of the qualified voters of the company to be present, at an election of officers, is hereby repealed, and a majority of the legal voters present at any company election, duly notified, may elect company officers.

Certain provisions of R. S. repealed.

Majority of legal voters may elect, &c.

SEC. 7. No non-commissioned officer or private of any company raised at large, shall be required to perform military duty in the standing company within whose limits he resides : *provided*, that when notified of his enrolment in such standing company, or otherwise requested, he shall produce within ten days, to the commanding officer of such standing company a certificate from the commanding officer of his own company, that he is a member thereof; and if any such non-commissioned officer or private remove out of the limits within which his company is raised, he shall continue to be a member thereof.

Members of volunteer companies to produce a certificate, when, &c.

SEC. 8. The division inspector of each division shall constantly keep a correct roster of the division to which he belongs, and an orderly book, in which he shall record all orders received and issued; and he shall receive annually the same compensation which is now by law allowed to the oldest aid-de-camp of each major general; and so much of the twenty-seventh section of the twelfth chapter of the Revised Statutes, as provides that the oldest aid-de-

Division inspectors to keep roster and orderly book; how compensated.

276

MILITIA.

April 20, 1837.

camp of each major general shall keep such roster and orderly book, is hereby repealed.

Fines of members of volunteer companies; how collected and disposed of.

SEC. 9. All fines and forfeitures incurred by the members of volunteer companies, may be collected by such persons and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof may determine.

Towns to provide powder, &c. when required by commander in chief.

SEC. 10. Whenever, in the opinion of the commander in chief it shall be necessary, he shall issue his proclamation, requiring all towns to provide and deposit in some suitable and convenient place therein, sixty-four pounds of good powder; one hundred pounds of musket balls, each of the eighteenth part of a pound; one hundred and twenty-eight flints suitable for muskets; three copper, iron or tin camp-kettles, for every sixty-four soldiers enrolled in said town; and the same proportion of the aforesaid articles for a greater or less number, and so to keep the same, until he shall by proclamation declare the same no longer necessary.

Fines for towns neglecting to provide, &c.

Any town which shall neglect to provide and keep deposited all or any of the aforesaid articles as above required, shall forfeit the sum provided in the one hundred and sixth section of the twelfth chapter of the Revised Statutes.

The 46th and 47th sections, &c. repealed.

SEC. 11. The forty-sixth and forty-seventh sections of the twelfth chapter, and all other provisions of the Revised Statutes, which are inconsistent with this act, are hereby repealed.

[Approved by the Governor, April 20, 1837.]